

GLORIA M. BURNS
CHIEF BANKRUPTCY JUDGE

(856)361-2310

June 7, 2013

Eric J. Clayman, Esquire
Jenkins & Clayman
412 White Horse Pike
Audubon, NJ 08106

Re: Absolute Entertainment, Debtor.
Case No. 96-20004 (NLW)

Dear Mr. Clayman:

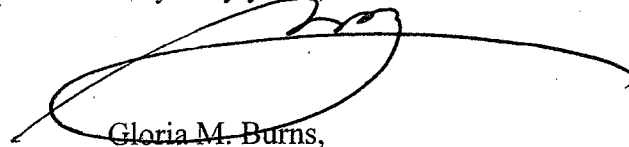
I am in receipt of your Motion for Order Directing Payment of Funds earmarked for Phase X Systems, Inc., to Chong Lee, as successor-in-interest to Phase X Systems, Inc. Unfortunately, I am unable to grant your motion at this time.

I note that your motion identifies Chong Lee, as the successor-in-interest to Phase X Systems, Inc. However, the referenced exhibits attached to your motion do not establish an assignment of rights to Chong Lee, from Phase X Systems, Inc. or his right to its claim.

Also, The Bankruptcy Code provides guidelines for handling unclaimed property in section 347. Section 347(a) directs the trustee in a chapter 7, 12 or 13 case to stop payment on any unpaid checks ninety (90) days after final distribution is made and to then deposit these monies into the court registry. Once in the court registry, the funds are governed by 28 U.S.C. § 2042. Section 2042 provides three requirements that must be satisfied before funds may be withdrawn from the court registry: (1) the claimant must petition the court; (2) notice must be served on the United States Attorney, and (3) the claimant must be "entitled" to the property and provide proof of their rights. In re Bradford Production, Inc., 375 B.R. 356, 358-59 (Bankr. E.D. Mich. 2007).

I will relist your motion for July 2, 2013, at 10:00 a.m. to allow you time to provide the Court with the requested documentation and to serve a copy of your motion on the United States Attorney by certified mail, return receipt requested and to file a certificate of service with the Court. If no objection is received, a court appearance will not be required, and relief may be granted. If the required submissions are not made, the motion will be denied.

Very truly yours,



Gloria M. Burns,
Chief U.S. Bankruptcy Judge

GMB/nar